

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CRIMINAL ACTION NO. 5:22-CR-00060-KDB-SCR**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**MICHAEL ELLIOT KOHN
DAVID SHANE SIMMONS,**

Defendant.

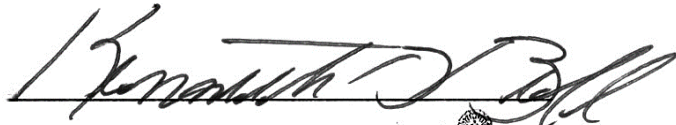
ORDER

THIS MATTER IS BEFORE THE COURT on the Government's Motion to Dismiss Count Twenty-Three of the Indictment without prejudice. (Doc. No. 60) . The Defendants have no objection to this Motion. Accordingly, the Court will grant the Government's Motion.

IT IS THEREFORE ORDERED that the Government's Motion, Doc. No. 60, is **GRANTED** and Count Twenty- Three of the Indictment is **DISMISSED** without prejudice.

SO ORDERED

Signed: June 5, 2023



Kenneth D. Bell
United States District Judge

